

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 3, 2000 - 7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Faust, Hovland, Johnson, Kelly, and Mayor Maetzold.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Hovland and seconded by Member Faust approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**NATIONAL FIRE PREVENTION WEEK PROCLAIMED** Mayor Maetzold proclaimed the week of October 8 - 14 as National Fire Prevention Week in Edina. He encouraged all citizens and civic organizations to participate in fire prevention activities at home, work and school and to recognize the contributions that firefighters make every day to our health, safety, comfort and quality of life.

**Member Faust made a motion approving the proclamation designating Fire Prevention Week for October 8 - 14, 2000.** Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*MINUTES OF THE REGULAR MEETINGS OF SEPTEMBER 19, 2000, APPROVED** Motion made by Member Hovland and seconded by Member Faust approving the Minutes of the Regular Meetings of September 19, 2000.

Motion carried on rollcall vote - five ayes.

**RESOLUTION NO. 2000-102 VACATION OF UTILITY AND DRAINAGE EASEMENT APPROVED - BRENDAN GLENN** Engineer Hoffman explained the proposed vacation of the existing easement is requested by the developer of the Brendan Glenn Plat. The plat will have a new drainage and utility easement which will replace the existing easement. Staff recommends approval of the vacation. Xcel Energy, USWest, Time Warner Cable and Reliant Energy have approved the request.

Staff recommends vacating the existing easement in Document No. 3490171 over a portion of the northwest quarter of Section 6, Township 116, Range 21 with the condition that the existing easement be replaced on the new Brendan Glenn Plat.

No public comments were heard.

**Member Johnson made a motion closing the hearing.** Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Member Johnson introduced the following resolution subject to and moved its adoption:**

**RESOLUTION NO. 2000-102  
RESOLUTION VACATING UTILITY AND DRAINAGE**

**EASEMENTS AND PUBLIC STREET RIGHT-OF-WAY**

WHEREAS, a motion of the City Council, on the 5th day of September, 2000, fixed a date for a public hearing on a proposed street vacation; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on the 3<sup>rd</sup> day of October, 2000, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said public street and easement vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Edina, Hennepin County, Minnesota, that the following public street right-of-way, and utility and drainage easements are hereby vacated effective as of October 3, 2000:

That part of Lot 8, AUDITOR'S SUBDIVISION NUMBER 196, Hennepin County, Minnesota, as follows:

Commencing at the Southwesterly corner of said Lot 8; thence East along the southerly line of said Lot, 417 feet; thence northerly on a line parallel with the West line of said Section 6, 435.5 feet; thence westerly on a line parallel to the South line of said Lot, 417 feet; thence Southerly 435.5 feet to the point of beginning.

Also, that part of Lot 8, AUDITOR'S SUBDIVISION NUMBER 196, described as follows:

Beginning at a point on the South line of said Lot 8, distant 483.3 feet East of the Southwest corner thereof; thence West along the South line of said Lot 66.3 feet; thence North parallel with the West line of said Lot, 435.5 feet; thence East parallel with the South line of said Lot, one foot, more or less, to the Westerly line of McCauley Road as now laid out and opened by the Village of Edina; thence Southerly and Southeasterly along the Westerly line of said road to an intersection with a line drawn North from the point of beginning and parallel with the West line of said Lot; thence Southerly along said line so drawn to the point of beginning, Hennepin County, Minnesota.

BE IT FURTHER RESOLVED that said vacation does not affect, and there are continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

The authority of Xcel Energy, USWest Communications, Time Warner Cable or Reliant Energy to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground, conduit, manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**PRELIMINARY REZONING APPROVED FOR R-1, SINGLE DWELLING UNIT DISTRICT TO PCD-1, PLANNED COMMERCIAL DISTRICT (EDWARD AND LISA NOONAN)**

Planner Larsen explained the subject property is located at 4528 France Avenue South and is developed with a one story garage/warehouse building located in the westerly portion of the site. A small area within the garage has been used for offices. The garage roof is approximately the same grade as France Avenue. The property is zoned R-1, Single Dwelling Unit District. In 1965, while the site was still part of the Village of Morningside, the Village Council approved occupancy by a heating and air-conditioning company. The property was not rezoned. The following year, the village of Morningside became part of Edina. Since that time, the building has housed several businesses as well as at one point a dwelling unit. Recently the building has housed a classic car collection. The use of the property for storage, warehousing and office use is considered legally non-conforming. The property was recently purchased and the owner seeks to rezone the property to PCD-1, Planned Commercial District, to allow construction of a 2,269 square foot building to be used for office and general retail use. The building would have a full basement that would walk out at the same level as the entrance to the existing building. The exterior concept would be of brick and glass.

The City adopted a Redevelopment Plan for the 44<sup>th</sup> and France Commercial Area in 1990. The Plan illustrated the subject property as part of a larger scale redevelopment including the building now operating as Edina Cleaners. The redevelopment was envisioned as neighborhood scale retail. Staff has no knowledge of any plans by the owners of the cleaners to undertake a redevelopment. Redevelopment of the subject property would not prevent a future development of the cleaner's site.

Mr. Larsen concluded the proposed use is consistent with the adopted Redevelopment Plan and thus, is consistent with the Comprehensive Plan. The location of the proposed building relates well with neighboring buildings, and with the grades of the site. Parking is and will continue to be an issue in the 44<sup>th</sup> and France area. Loss of the Metro Transit park and ride lot in Minneapolis will make parking tighter. The 21 spaces provided by this proposal represents one of the larger private parking lots in the area, however the garage spaces are not as visible or convenient as surface spaces and are best utilized by employees. Restaurant and other food related uses would likely cause parking problems in the vicinity. Mr. Larsen said he would recommend approval be conditioned upon a prohibition of restaurants and other food related uses in the new building.

Staff recommends approval of preliminary rezoning to PCD-1 conditioned on: 1) Final Rezoning; and 2) No restaurants or food related uses be allowed as tenants.

**Council comments**

Member Faust asked what the length would be for the proposed building. She further asked if the Valvoline Oil site has been redone within the past 8-10 years. Planner Larsen said if the corporation owning Valvoline Oil considered closing the site, another commercial use would be favorably looked upon.

Member Hovland reiterated it was recommended by staff that approval be granted with two conditions. He inquired whether this was a problem for the developer. Mr. Larsen said the proponent did not express any concern with the conditions. Member Hovland said the use of the site now is non-conforming and in the future would present a possibility for redevelopment. Planner Larsen admitted the property has had many uses. Member Hovland asked if staff believes the planned use

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for the building is good. Mr. Larsen believes the opportunity exists for a reasonable reuse of the building.

Member Kelly asked if parking use on the site could be restricted. Planner Larsen said that legally he was not sure if this could be done. Attorney Gilligan said no, he did not believe parking restrictions could be legally enforced on the site. Member Kelly inquired whether there were more conditions or if any variances were required. Planner Larsen said no to both concerns.

### Proponent comment

Edward Noonan, 4700 Merilane, said he finally acquired the property at 4528 France Avenue after two years of deliberations. The property is titled to Lisa and Edward Noonan and is not related to Noonan Construction. They purchased the property in the event the Grandview Square project displaced them. Responding to a question about the building length, he said it will be 120.1 feet long and 70.2 feet deep. Mr. Noonan said he worked with the City Planning Department and considered the suggestion to move the building forward to be consistent with the neighborhood. Use of the property could be for a small business with minimal storage much like his business. He currently has tenants in his existing building that would relocate to the new site. He stated he would chose the tenants carefully because of the limited parking. Mr. Noonan said the area needs to be cleaned up and a serious drainage issue rectified. He added he has had a good working relationship with the adjoining residents to the site and asked if a decision could be made as soon as possible on the Preliminary Rezoning to enable construction to begin.

Member Faust voiced concern with, 1) elevation of the driveway, 2) would the driveway would be heated, and 3) would the garage door remain open. Mr. Noonan said the garage floor would be raised 32 inches for 1) drainage, and 2) 13 foot ceilings are not necessary. Member Faust asked if the driveway would be extended to the lot line. Mr. Noonan responded that a landscape buffer would be a part of the plan. Member Faust asked what the driveway width would be. Mr. Noonan said the driveway would be 17 feet with a 3 foot walkway down the side of the building. His plan is to do what ever needs to be done to make the area safe. The garage door would be kept closed. Signage could explain that the door would open automatically when triggered by some method. Member Faust asked verification of the width of parking spaces on the new proposal. Mr. Noonan said the 9 foot spaces would be for handicap accessibility and the 8.5 foot spaces for regular parking spaces. Member Faust complimented Mr. Noonan on a good plan, however, she asked if it could be zoned for offices and in the future be rezoned for retail. She voiced concern with the unavailability of parking to a retail customer.

Member Kelly stated retail will not survive without parking and will be self-policing.

Member Faust asked if trucks would be parked in the shop portion of the building. Mr. Noonan said that one truck stays on site, one goes home with an employee.

Member Johnson noted his agreement with Member Kelly. After perusing the site, he wondered what responsibility the Council has if the proposed plan complies with City ordinances. He concluded the City has no responsibility and the risk would be to the proponent. He believes the proposal is good and will improve the blighted area. He added that, in light of the Grandview Square development, an extra amount of opportunity should be afforded the proposal.

Mr. Noonan elaborated that after the Planning Commission meeting he reconfigured the site eliminating any variances.

Member Kelly said he could never have supported this proposal with parking variances. He stated that he hopes the proposal goes forward because it may encourage further redevelopment in the area. Mr. Noonan added the business community in the area is very disjointed and someone needs to take control.

Member Hovland questioned whether the outside storage of construction vehicles and materials is allowed in PCD-1. Mr. Noonan said all that would be left out would be a barricaded garbage area.

No public comments were heard.

**Member Hovland made a motion closing the public hearing.** Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

Planner Larsen explained the proponent asked that the second reading be waived on the preliminary rezoning.

Member Kelly voiced reluctance with waiving second reading and inquired how quickly the second reading of the ordinance could be scheduled.

Manager Hughes said the hearing date could be set tonight for Monday, November 6, 2000.

**Member Kelly made a motion granting first reading to Ordinance No. 850A-19 rezoning 4528 France Avenue South, from R-1 to PCD-1, conditioned upon no restaurant or food related businesses being allowed. Member Kelly made a motion setting November 6, 2000, for final rezoning approval.** Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**RESOLUTION NO. 2000-103 FINAL PLAT APPROVED (BRENDAN GLENN)** Planner Larsen explained the Brendan Glenn preliminary plat was approved on August 15, 2000. The developer has satisfied all conditions that are necessary for final plat approval. The proposal has received Watershed District approval. The Developer's Agreement has been executed and the necessary security has been delivered.

Planner Larsen said two conditions would be necessary in order to grant final plat approval, 1) Subdivision dedication based on a raw land value of \$425,000.00 and 2) Engineering approval of noise mitigation measures.

**Member Johnson made a motion introducing the following resolution and moving its adoption conditioned upon obtaining, 1) subdivision dedication based fee of \$34,000.00; and 2) Engineering approval of noise mitigation measures:**

RESOLUTION NO. 2000-103  
APPROVING FINAL PLAT  
FOR BRENDAN GLENN

BE IT RESOLVED by the City Council of the City of Edina, Minnesota that that certain plat entitled, "BRENDAN GLENN" platted by the Janice M. Graham, President, Janco, Inc., and

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presented at the regular meeting of the City Council on October 3, 2000, be and is hereby granted final plat approval.

Passed and adopted by the Edina City Council this 3<sup>rd</sup> day of October, 2000.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

**\*BID AWARDED FOR SALT FOR SNOW AND ICE CONTROL** Motion made by Member Hovland and seconded by Member Faust for award of bid for the annual purchase of salt for snow and ice control to recommended low bidder, Cargill, Inc., under State Contract #425879, at \$26.69 per ton.

Motion carried on rollcall vote - five ayes.

**\*RESOLUTION 2000-99 ADOPTED APPOINTING JUDGES FOR THE NOVEMBER 7, 2000, GENERAL ELECTION** Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION 2000-99  
RESOLUTION APPOINTING JUDGES  
FOR THE NOVEMBER 7, 2000,  
GENERAL ELECTION

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election.

BE IT RESOLVED by the Edina City Council that the individuals named on Exhibit A, and on file in the office of the City Clerk be appointed as election judges for the general election to be conducted on November 7, 2000; and

BE IT FURTHER RESOLVED, that the City clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Passed and adopted by the Edina City Council this 3<sup>rd</sup> day of October, 2000.

Attest: \_\_\_\_\_

Clerk

\_\_\_\_\_

Mayor

Motion carried on rollcall vote - five ayes.

**RESOLUTION 2000-96 ADOPTED FOR HENNEPIN COUNTY TRAILS, GREENWAYS AND PARKS IN FIRST TIER COMMUNITIES** Director Keprios reported that Hennepin Parks is coordinating a first tier trails, greenways and parks master plan for Hennepin County that will create and connect first tier suburb's recreational trails to a regional trail system extending throughout Hennepin County. Hennepin Parks staff, Park Directors from several other first ring suburbs, and consultants from SRF Consulting Group, Inc., have been engaged in an effort to develop this metropolitan area trail system connecting all first ring suburbs to a master trail system. Mr. Keprios introduced Del Miller from Hennepin Parks.

Mr. Miller noted the proposed regional trail would be developed, funded and maintained by Hennepin Parks. The City of Edina would have to provide easements to Hennepin Parks for the City-owned property along Nine Mile Creek. Plowing of the trail during winter months would be the responsibility of the City.

He explained that the Hennepin Parks Board has approved the master plan in concept and is awaiting resolutions of support from each suburb involved. Approval by the Council by way of a resolution does not in any way commit the City Council to future development of the trail. Adoption of the resolution is to give Hennepin Parks an approval of the plan in concept, allowing them to develop established drawings and better define the best locations for future public hearings. The choice will continue to be the City of Edina's choice as to timing.

The Park Board agrees this is an excellent opportunity for Edina residents. There are physical barriers that create challenging obstacles, however, there are numerous cyclists, walkers, joggers, runners, and inline skaters who would benefit and welcome this amenity

Adam Arvidson of SRF presented graphics depicting what they recommend and various options that would allow access through Edina from Richfield (via 70<sup>th</sup> Street or at Yorktown Park/ Adams Hill Park) and ultimately follow Nine Mile Creek to the Hopkins border, passing under Highway 169. Mapping a final location for the corridor will require extensive study to overcome the numerous obstacles. The proposed trail along Nine Mile Creek will give the trail an aesthetic natural border. The Nine Mile Creek Watershed District is aware of the plan and will ultimately have to approve a final plan in the process.

Robert Kojetin, Nine Mile Creek Watershed District, concurred that the proposal is good and recommended approval of the resolution of support.

Following a brief Council discussion centering around minor changes to the presented resolution, **Member Hovland introduced the following resolution and moved its approval:**

**RESOLUTION NO. 2000-96  
A RESOLUTION POTENTIAL FOR  
TRAILS, GREENWAYS AND PARKS IN THE  
FIRST TIER COMMUNITIES**

**WHEREAS, Suburban Hennepin Regional Park District (SHRPD) has studied the potential for trails, greenways and parks in the First Tier Communities of Suburban Hennepin County; and**

**WHEREAS, the Suburban Hennepin Regional Park District has authorized its consultant, SRF consulting Group, Inc. (SRF) to draft a plan summarizing the First Tier study information; and**

**WHEREAS, the Suburban Hennepin Regional Park District will work with First Tier Communities to review and comment on said plan; and**

**WHEREAS, the Suburban Hennepin Regional Park District desires that Communities initiate and support the implementation of said plan; and**

**WHEREAS, the Suburban Hennepin Regional Park District will require in a cooperative agreement with each city where a trail, greenway or park would be implemented; and**

**WHEREAS, the implementation of this First Tier Plan will be an ongoing process; and**

**NOW, THEREFORE, BE IT RESOLVED, that the City of Edina supports the efforts of the Suburban Hennepin Regional Park District to implement a first tier system of trails, greenways and parks and endorses the development of a conceptual plan for said system which concept would be subject to further review and approval by the City of Edina.**

**Adopted this 3<sup>rd</sup> day of October, 2000.**

ATTEST: \_\_\_\_\_

City Clerk

\_\_\_\_\_  
Mayor

Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution approved.

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### **TEMPORARY 3.2 BEER LICENSE REQUEST GRANTED FOR OUR LADY OF GRACE CHURCH**

Manager Hughes reported a request has been received from Our Lady of Grace Church for a temporary 3.2 beer on-sale license. They have an Oktoberfest planned for October 14, 2000, and have requested the temporary license allowing them to serve beer. They have submitted the necessary applications, proof of liquor liability insurance and paid the fee of \$59.00

Member Faust said she does not believe it is appropriate to have liquor in neighborhoods.

**Member Kelly made a motion approving the temporary 3.2 beer on-sale license to Our Lady of Grace Church for Saturday, October 14, 2000.** Member Hovland seconded the motion.

Ayes: Hovland, Johnson, Kelly, Maetzold

Nays: Faust

Motion carried.

**SUMP PUMP AND METER REPORT PRESENTED** Engineer Hoffman reminded the Council the City has two programs which have been underway for the past three years:

1. Replacement of the water reading system
2. Sump pump/clear water discharge program on private property

#### Replacement Water Reading System

Mr. Hoffman explained the new system is a drive-by reading by remote reading. Staff has made repeated attempts through our installation firm as well as individual attempts to set up appointments to complete the meter reading device replacements. Staff recommends that a certified letter be sent to each property owner suggesting that a ninety day period of time be allowed to schedule a replacement or staff would recommend a public hearing at Council for those found in non-compliance resulting in the water being turned off until compliance is reached. Mr. Hoffman said this has been done once in the past. The suggested time frame is because we have more staff time available during the winter months to complete the replacements. It is staff's expectation that most property owners would comply with the program if given the established consequence.

#### Sump Pump/Clear Water Discharge Program on Private Property

Mr. Hoffman explained the sump pump/clear water discharge program requires an inspection to determine compliance with the ordinance. The consulting firm and City staff have attempted to make appointments with residents to complete the inspections. There are approximately two hundred fifty homes remaining to be inspected mainly due to no response or an unwillingness by residents to allow the inspection. Presently, staff has not imposed the \$100.00 per month penalty although letters have been sent to residents who failed the inspection noting the \$100.00 monthly fee will be imposed until compliance is reached. Mr. Hoffman reported the program has successfully reduced water flow into the sanitary sewer system. The unauthorized discharge was a critical element in what caused the sanitary sewer problems in 1997.

Staff suggests two alternatives:

1. Continue to follow the ordinance with fees being imposed for non-compliance and could expect some potential legal challenges to our ability to enter for inspection although we believe the City has the right due to health and welfare aspects for the community as a whole; and
2. Reduce current staff efforts to a level that when building permits are applied for, properties are inspected for compliance with ordinance regulations as well. Each non-complying resident would be notified by certified letter of their non-compliance and the potential consequences of fees being imposed according to the ordinance.



Following a discussion, Council consensus was that staff would consider the issue further and come back before the Council at the October 17, 2000, meeting for a final decision.

\*RESOLUTION NO. 2000-101 SETTING HEARING DATE SET OF NOVEMBER 6, 2000, FOR VACATION OF UTILITY AND DRAINAGE EASEMENT, LOT 3, BLOCK 1, WATERMAN ADDITION Motion made by Member Hovland and seconded by Member Faust approving the following resolution:

RESOLUTION NO. 2000-101  
RESOLUTION SETTING PUBLIC HEARING  
DATE OF NOVEMBER 6, 2000, FOR VACATION OF  
UTILITY AND DRAINAGE EASEMENT -  
LOT 3, BLOCK 1, WATERMAN ADDITION

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7: for Lot 3, Block 1, Waterman Addition.
2. This Council shall meet at 7:00 P.M. on the 6<sup>th</sup> day of November for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF DRAINAGE AND UTILITY EASEMENTS  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 6, 2000, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described utility and drainage easements:

That part of Lot 3, Block 1, Waterman Addition, according to the recorded plat thereof, Hennepin County, Minnesota described as follows:

Commencing at the southeast corner of said Lot 3; thence on an assumed bearing of North 31 degrees 23 minutes 24 seconds West along the easterly line of said Lot 3, a distance of 51.49 feet; thence South 87 degrees 41 minutes 47 seconds West a distance of 25.00 feet to the point of beginning; thence continuing South 87 degrees 41 minutes 47 seconds West a distance of 75.00 feet; thence South 56 degrees 47 minutes 32 seconds East a distance of 40.68 feet; thence North 58 degrees 12 minutes 28 seconds East a distance of 48.00 feet to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should

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be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

Adopted this 3<sup>rd</sup> day of October, 2000.

Motion carried on rollcall vote - five ayes.

**\*PETITION RECEIVED REQUESTING WATERMAIN FROM RESIDENT AT 5516 VERNON AVENUE** Motion made by Member Hovland and seconded by Member Faust acknowledging receipt of the petition request for a watermain for resident at 5516 Vernon Avenue and submission to the engineering department for feasibility.

Motion carried on rollcall votes - five ayes.

**MEMBER AT LARGE APPOINTMENTS FOR HENNEPIN COUNTY BOARDS NOTED** Manager Hughes explained a number of Member at Large positions with various Hennepin County Boards will have vacancies at the end of the year. He suggested names of interested persons willing to serve on the County Boards be submitted to him for submission to the County for possible appointment.

**RESIGNATION NOTED ON EDINA HUMAN RELATIONS COMMISSION** Mayor Maetzold noted a letter of resignation has been received from Nancy Atchison of the Edina Human Relations Commission effective immediately. He suggested the Council submit names of interested persons to him for possible appointment to fill the unexpired term on the Commission.

**RESOLUTION 2000-97 APPROVING CERTIFICATION OF TAX INCREASE LEVY** Manager Hughes explained a new law requires all cities with over 500 population must pass a resolution, if the levy for the subsequent year will result in a tax rate increase. Under the law, the County Auditor is required to provide information to affected cities and the County Board that will allow the City to calculate what its tax rate would be in the coming year if the levy was held constant. Essentially, a baseline tax rate is computed based on the prior year's levy and the current year tax base. The resolution only has to affirm that the "levy certification tax rate" will increase, it does not have to specify an amount of increase. Filing of the resolution must be before October 20.

Member Hovland made a motion to close the public hearing. Member Kelly seconded the motion.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2000-97  
RESOLUTION AUTHORIZING A TAX RATE INCREASE  
FOR THE 2000 TAX LEVY,  
COLLECTIBLE IN 2001**

BE IT RESOLVED by the Council of the City of Edina, County of Hennepin, Minnesota, that the County Auditor is authorized to fix a property tax rate for taxes payable in the year 2001 that is higher than the tax rate calculated pursuant to Minnesota Statutes §204B.135 for the City for taxes levied in 1999, collectible in 2000.

Adoption of this Resolution does not prohibit the City from certifying a final levy that will result in no tax rate increase or a tax rate decrease.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Hennepin County, Minnesota.

Adopted by the City Council on October 3, 2000.

ATTEST: \_\_\_\_\_  
City Clerk Mayor

Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

**RESOLUTION NO. 2000-98 APPROVED - CALLING FOR BOND SALE FOR 1992B GENERAL OBLIGATION BOND** Assistant Manager Anderson explained that the proposed bond issue would provide a current refunding of the 1992B General Obligation Tax Increment Bonds which were previously issued in 1988 and 1989 as part of the Centennial Lakes Development. The current refunding would provide an estimated \$980,000 in interest savings or \$800,000 on a present value basis. The net interest rate on the bonds is 5.87% and the estimated net interest rate on the 2000C bonds is 4.71%. The City will achieve some additional savings in issuance costs since we recently had two bond issues in August. Staff recommends that Council call for the bond sale and take advantage of the significant savings in interest costs.

Following a brief Council discussion, Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2000-98  
RESOLUTION PROVIDING FOR THE SALE OF  
\$15,870,000 G.O. TAX INCREMENT REFUNDING BONDS, SERIES 2000C**

WHEREAS, the City Council of the City of Edina, Minnesota, has heretofore determined that it is necessary and expedient to issue the City's \$15,870,000 G.O. Tax Increment Refunding Bonds, Series 2000C (the "Bonds"), to refund the outstanding maturities of the G.O. Tax Increment Refunding Bonds, Series 1992B; and

WHEREAS, the City has designated Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Edina, Minnesota, as follows:

1. **Authorization; Findings.** The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. **Meeting; Proposal Opening.** The City Council shall meet at the time and place to be specified in the Terms of Proposal for the purpose of considering sealed proposals for, and awarding the sale of the Bonds. The City Clerk, or designee, shall open proposals at the time and place to be specified in such Terms of Proposal.
3. **Terms of Proposal.** The terms and conditions of the Bonds and the sale thereof are fully set forth in the Bond Sale Report and are hereby approved and made a part hereof.

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4. **Official Statement.** In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Dated: October 3, 2000.

ATTEST: \_\_\_\_\_  
City Clerk Mayor

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

**CLAIMS PAID** Motion made by Member Johnson approving payment of the following claims as shown in detail on the Check Register dated September 27, 2000, and consisting of 53 pages: General Fund \$359,377.85; C.D.B.G. \$755.00; Communications Fund \$6948.46; Working Capital \$35,800.44; Construction Fund \$11,080.27; Art Center Fund \$17,871.38; Golf Dome Fund \$ 365.47; Aquatic Center Fund \$129.99; Golf Course Fund \$28,007.43; Ice Arena Fund \$3,133.60; Edinborough/Centennial Lakes \$10,700.43; Liquor Fund \$255,214.32; Utility Fund \$36,246.71; Storm Sewer Utility Fund \$1,138.93; HRA Fund \$900,000.00; TOTAL \$ 1,666,670.28. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 8:40 P.M.

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City Clerk